

JOE WARDY  
MAYOR

JOYCE WILSON  
CITY MANAGER



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
DECEMBER 28, 2004  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Vivian Rojas, and Anthony W. Cobos. Absent: Susan Austin. Late arrival: Paul J. Escobar at 9:20 a.m. Meeting was called to order at 9:08 a.m., a moment of silence was observed, followed by the Pledge of Allegiance to the Flag of the United States of America.

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A presentation by Cónsul General Juan Carlos Cue Vega and Mayor Joe Wardy.

Cónsul Vega presented Mayor Joe Wardy with the Mexican flag. Mayor Wardy presented Cónsul Vega with the City of El Paso, Conquistador Award, and Representative Lozano presented Cónsul Vega with a mug decorated with the Mexican and United States flags.

Mayor Wardy, Representative Lozano and Cónsul Vega commented.

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**NO ACTION WAS TAKEN** regarding the discussion and action on ways to make the Building Services Dept. more responsive to citizen's concerns.

Mr. Matthew F. Carroll, citizen, commented on the inability to contact Building Permits and Inspections staff, or any other City staff members in emergency situations, such as the illegal grading of a mountain arroyo that occurred on Saturday, December 18, 2004.

Mayor Joe Wardy explained that his telephone number is listed in the telephone book and noted that a resident, living in the affected area, had contacted him at his home. He explained that he had contacted Ms. Joyce Wilson, City Manager, who then contacted other City staff members who addressed the problem. He added that the illegal grading was stopped due to the careful involvement of the citizens in speaking with their elected officials.

Mr. Stuart Mitchell, Mountain Arroyo Neighborhood Association, thanked Mayor Wardy, Representative Austin, Ms. Wilson, and Mr. Rick Connor, City Engineer, for their involvement in stopping the illegal grading. He stated, for the record, that the Mayor deserved the accolades and that he rose to the occasion even though he was not feeling well. He then displayed a picture of the illegal grading and its effects on the arroyo's landscape.

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Motion made by Representative Cobos, seconded by Representative Cushing, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representative Escobar abstained from the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meetings of December 10, 2002, March 4, and April 15, 2003, and December 21, 2004.

Representative Escobar abstained from voting.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **EXCUSE REPRESENTATIVE SUSAN AUSTIN** from the Regular City Council Meeting of December 28, 2004.

Representative Escobar abstained from voting.

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\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total Paid</u>
10205 Whitetail Drive	\$7,012.55	\$584.38	\$7,596.93

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the Resolution that the section of the Citizen Participation Plan for the Consolidated Plan that relates to conflicts of interest regarding Community Development (CD) Steering Committee members, be revised to address potential conflict of interest issues that may arise due to expanded membership criteria recommended by the Mayor's Blue Ribbon Ad Hoc Committee on June 15, 2004, and adopted by City Council on July 13, 2004; specifically addressing the membership criteria that allows City recognized neighborhood association members to serve on the CD Steering Committee.

Representative Escobar abstained from voting.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Escobar abstained from voting.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the section of the Citizen Participation Plan for the Consolidated Plan that relates to conflicts of interest regarding Community Development (CD) Steering Committee members, be revised to address potential conflict of interest issues that may arise due to expanded membership criteria recommended by the Mayor's Blue Ribbon Ad Hoc Committee on June 15, 2004, and adopted by City Council on July 13, 2004.

Mr. Stuart Mitchell, citizen, commented.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a contract with the El Paso Hispanic Chamber of Commerce for \$90,000 for Fiscal Year 2004-2005, for Economic Development assistance in the City of El Paso. This resolution is subject to the appropriate budget and documentation being submitted to the Chief Financial Officer.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the Resolution that the Mayor, through the Chief of Police be authorized to submit an on-line grant application completed by the El Paso Police Department authorizing the Mayor to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant and authorize budget transfers, from the U.S. Department of Justice, Office on Violence Against Women, for a grant under the Arrest Policies and Enforcement of Protection Orders Grant Program in the amount of \$750,000 over two years to pay for personnel and related costs for the purpose of creating a centralized Domestic Violence Unit; and that the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso, the Center Against Family Violence, the District Attorney's Office for the purpose of implementing the grant program. Matching funds are not required.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**That** the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
3300 Block of Lee Street	\$559.65	\$ 115.74	\$ 675.39

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**\*R E S O L U T I O N**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, EDNA BIBB & JOSE ZAMUDIO of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**



3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, JOAQUIN A. TRUJILLO & 1 of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5700 Saplinas Road, City of El Paso, El Paso County, Texas, being more particularly described as Lot 1(11639.40 SQ FT), Block 11, West Green Subdivision, Parcel #W144-999-0110-0100,

to be TWO HUNDRED NINETY SEVEN AND 69/100 as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Fourth day of September, 2004, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount TWO HUNDRED NINETY SEVEN AND 69/100 to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, JESUS & LETICIA SOTELO of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5615 Green Castle, City of El Paso, El Paso County, Texas, being more particularly described as Lot 17(10637.50 SQ FT), Block 13, West Green Subdivision, Parcel #W144-999-0130-1700,

to be TWO HUNDRED EIGHTY SEVEN AND 95/100 as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Second day of September, 2004, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount TWO HUNDRED EIGHTY SEVEN AND 95/100 to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, FRANCISCO C. & MARIA E. MARIN of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3202 – 3206 Fort Boulevard, City of El Paso, El Paso County, Texas, being more particularly described as Lot 28 to 30 (9000 SQ FT), Block 22, Grandview Subdivision, Parcel #G686-999-0220-8500,

to be EIGHTY SIX AND 60/100 as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Fifteenth day of June, 2004, approves the costs.



**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, EDMUNDO SANCHEZ of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

9225 Reno Court, City of El Paso, El Paso County, Texas, being more particularly described as Lot 2, Singh Subdivision, Parcel #S445-999-0010-0200,

to be ONE HUNDRED FORTY NINE AND 39/100 as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eighteenth day of May, 2004, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY NINE AND 64/100 to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, BONDED DEVELOPERS INC., & 1 of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

O E P E C Easement, City of El Paso, El Paso County, Texas, being more particularly described as Lot 37, Block 12, East Glen Replat #A Subdivision, Parcel #E054-999-0120-7800,

to be SIX HUNDRED TWENTY THREE AND 52/100 as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixteenth day of June, 2004, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount SIX HUNDRED TWENTY THREE AND 52/100 to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, TOMAS B. CONTRERAS of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

411-413 S. Florence Street, City of El Paso, El Paso County, Texas, being more particularly described as Lot 4 & 5 (6240 SQ FT), Block 139, Campbell Subdivision, Parcel #C050-999-1390-1700,

to be ONE HUNDRED TWENTY FOUR AND 49/100 as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eighteenth day of May, 2004, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED TWENTY FOUR AND 49/100 to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 1<sup>st</sup> day of February, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3025 E. San Antonio Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 13, Block B, Moeller's Addition to Garden Subdivision of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 21, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Martina Pulido Sosa, 3025 E. San Antonio Avenue, El Paso, Texas 79905, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;

II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;

III) the Owner may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTE: Delinquent taxes in the amount of \$3,115.12.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Aceves, Raul – Toll Collector

Representative Escobar abstained from voting.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Deputy Court Clerk I (1)  
Fund Source: 11010011-01101-11000

Representative Escobar abstained from voting.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Staffing Table Change for **AIRPORT**

Delete	1.00	Secretary III	GS 19
Add	1.00	Legal Secretary	GS 21

Fund Source: 62620013-40101-62100

Representative Escobar abstained from voting.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Staffing Table Change for **PARKS & RECREATION**

Delete	1.00	Clerk Typist II	GS 9
Fund Source: 51010216-01101-51010			
Delete	1.00	Clerk Typist II	GS 9
Fund Source: 51010214-01101-51000			
Add	1.00	Secretary I	GS 13
Fund Source: 51010216-01101-51010			
Add	1.00	Personnel and Account Clerk	GS 15
Fund Source: 51010214-01101-51000			

Representative Escobar abstained from voting.

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 \*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Staffing Table Change for **POLICE**

Delete	1.00	Secretary I	GS 13
Fund Source: 21010050-01101-21000			
Delete	1.00	Secretary I	GS 13
Fund Source: 21010062-01101-21000			
Add	1.00	Secretary II	GS 16
Fund Source: 21010050-01101-21000			
Add	1.00	Secretary II	GS 16
Fund Source: 21010062-01101-21000			

Representative Escobar abstained from voting.

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 Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** the appointment of Ernesto Rodriguez as Assistant City Attorney effective January 3, 2005.

Representative Escobar abstained from voting.

Mayor Joe Wardy commented.

Representatives Cook, Lozano, and Cobos commented on budgetary funding for the position.

Representative Escobar commented on Mr. Rodriguez's credentials.

Representative Rojas questioned Mr. Rodriguez on his legal experience.

Ms. Lisa A. Elizondo, City Attorney, commented on the funding source of the position.

Mr. Ernesto Rodriguez commented on his legal practice experience.

Motion made by Representative Escobar, seconded by Representative Cushing and carried that Ernesto Rodriguez be **CONFIRMED** as Assistant City Attorney effective January 3, 2005 at a salary of \$95,000.00 per annum, plus any additional benefits of the position.

AYES: Representatives Cushing, Ortega, Escobar, Rojas and Cobos  
NAYS: Representatives Lozano and Cook  
EXCUSED: Representative Austin

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Roberto Rivera to the History Museum Board by Representative Presi Ortega, Jr., District 5.

Representative Escobar abstained from voting.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** the board appointment of Roman Bustillos to the City Plan Commission by Representative Presi Ortega, Jr., District 5.

Mr. Stuart Mitchell, President, Mountain Arroyo Neighborhood Association, commented.

Mayor Joe Wardy and Representatives Cobos, Ortega, and Cushing commented.

Motion made by Representative Cobos, seconded by Representative Ortega and unanimously carried to **APPOINT** Roman Bustillos to the City Plan Commission by Representative Presi Ortega, Jr., District 5.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** the board appointment of Miguel Teran to the City Plan Commission by Mayor Pro Tempore Anthony W. Cobos, District 8.

Mr. Stuart Mitchell, President, Mountain Arroyo Neighborhood Association, commented.

Mayor Joe Wardy and Representatives Cobos, Ortega, and Cushing commented.

Motion made by Representative Cobos, seconded by Representative Ortega and unanimously carried to **APPOINT** Miguel Teran to the City Plan Commission by Mayor Pro Tempore Anthony W. Cobos, District 8.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** Change Order to Contract No. 2002-118R

Vendor: Environmental System Research Institute, Inc.  
Redlands, CA

Approve 25% Change Order to Contract 2002-118R Traffic Management Information System for the Street Department.

Department: Municipal Services, Street Department  
Funds available: 31134001-29003-502115-PPW0088  
Funding source: Certificate of Obligations 97A, Management Consulting Services

Representative Escobar abstained from voting.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to issue a Purchase Order(s) to 3M Security Systems in the amount of \$51,525.00 for three (3) 3M Model 6210 self checkout units. 3M checkout units are the only units that can read and process the 3M Tattle-Tape Strips currently used by the El Paso Libraries. One of these units will be placed at the new Dorris Van Doren Library and the other two will replace old units at the Irvin Schwartz branch and at the Richard Burges branch libraries.

3M Security Systems is the sole developer and sole manufacturer of 3M Model 6210 checkout units. 3M is the owner of the patents covering several of the systems technologies, including the ability to read, detect and process material protected by the 3M Tattle-Tape Security Strips.

Total award amount is \$51,525.00.  
Funding available through the following sources:

\$17,175.00 from 31130612-60049-508009 Project PPW0056001  
FY2000 Quality of Life GO Bonds

\$34,350.00 from 04250201-27203-508008 Project PMB0002130  
FY2001 Certificates of Obligation

Department: Library

Representative Escobar abstained from voting.

NOTE: Funding sources were revised.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to  
**AWARD** Request For Proposal Solicitation No. 2005-027R CCTV System for Police Facilities and the  
Judson Williams Convention Center

Award to: Advanced Security Contractors, Inc.  
El Paso, Texas  
Item (s): Part 1 – Item 1, Part 11 – All Items  
Amount: \$343,100.75  
  
Department: El Paso Police Department and the Judson Williams Convention Center  
Funds available: 22150024-508007-07164-G220405  
Funding source: Homeland Security Grant  
Total award: \$343,100.75

The Evaluation Committee, based on evaluation factors established for this RFP, recommends award to Advanced Security Contractors, Inc.

Part I is a fixed-price, single (one-time) purchase and installation contract for CCTV Systems installed at various Police Department Facilities and the Judson Williams Convention Center. Part II is a contract for time and materials as needed for a term of thirty-six months.

Representative Escobar abstained from voting.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to  
**AWARD** Bid Solicitation No. 2005-057 Washing of Heavy Duty Equipment

Award to: Vendor #1 Horizon Truck Wash  
El Paso, TX  
Item (s): Group 1  
  
Vendor #2 A & E Truck & Car Wash  
El Paso, TX  
Item (s): Group 2  
Total Amount: \$100,000.00 (estimated annually)

Department: Fleet Services  
 Funds available: 37370510-45202-503125  
 Funding source: Equipment Maintenance, Equipment Outside Services NOC  
 Total award: \$300,000.00

Fleet Services and Purchasing Department recommends award as indicated. Horizon Truck Wash & A & E Truck & Car Wash were the lowest responsive bidders. This is a 36 month contract with the option to renew for one (1) additional year.

Representative Escobar abstained from voting.

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 \*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to  
**AWARD** Bid Solicitation No. 2005-060 Portable Buildings

Award to: Morgan Buildings & Spas  
 El Paso, TX.  
 Item (s): All  
 Amount: \$60,350.00  
  
 Department: Solid Waste Management  
 Funds available: 508003-40415-34340200  
 Funding source: Solid Waste Management Capital Funds  
 Total award: \$60,350.00

The Solid Waste Management and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

A lower bid was received but was deemed non-responsive as detailed in the backup.

This is a fixed-price, single (one-time) purchase, to purchase Portable Buildings for the Solid Waste Management Department. An option is offered to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one-hundred and eighty (180) days, from the contract award date. No prompt payment discount is offered.

Representative Escobar abstained from voting.

.....  
 \*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to  
**APPROVE** budget transfer BT2005-325 COMMUNITY AND HUMAN DEVELOPMENT

This budget transfer will provide monies for the final payment to the architect for this 26<sup>th</sup> Year (2000-2001) Community Development design project.

Decrease	\$850.06	from	71150069/G7129CD000107747/508027	Construction
Increase	\$850.06	to	71150069/G7126CD002407620/508016	Arch & Eng
Decrease	\$850.06	from	71150069/G7129CD000107747/406000	FedGrtProc
Increase	\$850.06	to	71150069/G7126CD002407620/406000	FedGrtProc

Representative Escobar abstained from voting.

.....

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-338 AIRPORT

Transfer of funds to cover acquisition of a light tower to replace one that is worn out and has become too costly to repair.

Increase	\$7,500	to	62620020/P50000441022/508008	MajOfficeEq
Increase	\$7,500	to	62620020/P50000441022/407001	Intrfd Trf In
Increase	\$7,500	to	62620018/P50000241021/407002	Est Rev
Increase	\$7,500	to	62620018/P50000241021/507001	Intrfd Trf Out

Representative Escobar abstained from voting.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance changing the zoning of a portion of Block 55 and Block 56, all of Blocks 57, 58, 60, 65, 66, 67, and 68, and a portion of Third Avenue (vacated) and Fourth Avenue (vacated), Magoffin Addition; a portion of Block 109 and all of Blocks 110 and 142, Campbell Addition, El Paso, El Paso County, Texas from A-3 (Apartment) to SRR (Special Residential Revitalization). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: The Housing Authority of the City of El Paso, Texas. ZON04-00149
- B. An ordinance creating the workforce retraining advisory committee, and providing for membership and terms, officers, rules and regulations, administration, and duties of the board.

**PUBLIC HEARING WILL BE HELD ON JANUARY 18, 2005 FOR ITEMS A - B**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**RESOLUTION**

**WHEREAS**, the City and HACEP recognize that it is in the best interest of the El Paso community to combine available community resources to improve quality of life for its residents, and

**WHEREAS**, the City and HACEP, in a spirit of cooperation, desire to work in partnership to leverage the resources of their complementary housing programs and to increase the affordable housing stock in El Paso, and

**WHEREAS**, City and HACEP would like to develop a plan to rehabilitate distressed and abandoned homes in neighborhoods through out the City, and

**WHEREAS**, the City and HACEP desire to enter into a pilot program to request that the taxing entities in El Paso work with the City and HACEP in allowing residential properties which have been foreclosed upon because of delinquent taxes to be rehabilitated and sold to low and moderate income families thereby placing properties back on the tax rolls and at the same time resulting in a positive impact on City neighborhoods and working families,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso and Housing Authority City of El Paso to create a housing rehabilitation pilot program which will rehabilitate distressed and abandoned homes in City neighborhoods and will place the rehabilitated properties back on the tax rolls, and

That this proposed pilot program will be an exception to the April 24, 2001, guidelines adopted by the El Paso City Council on the policy for how property struck off to the City at a tax sale shall be resold.

Mayor Joe Wardy introduced Ms. Lisa Colquitt-Muñoz, Housing Authority of El Paso, and Mr. Vincent L. Dodds, Interim President and Executive Director, Housing Authority of the City of El Paso.

Ms. Colquitt-Muñoz gave a Powerpoint presentation (on file in the City Clerk's office) and commented.

Mr. Dodds commented.

Mayor Joe Wardy and Representatives Cook, Lozano, Cobos, Ortega, and Cushing commented.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, commented.

Mr. John Nance, Assistant City Attorney, read revisions to the Memorandum of Understanding and Resolution language into the record.

Motion made by Representative Lozano, seconded by Representative Ortega and unanimously carried to **APPROVE THE ABOVE RESOLUTION, AS AMENDED.**

.....  
Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **APPROVE** budget transfer BT2005-311 SOLID WASTE MANAGEMENT

To establish appropriations for Solid Waste Management revenue bond projects.

Increase	\$1,490,890	to	34340200/40415/407020	Bond Proc
Increase	\$2,689,370	to	34340200/40415/508006	Vehicles
Decrease	\$1,198,480	from	34340200/40415/508029	HvyOfRdEqp
Increase	\$ 878,500	to	34340300/PSWM001340426/407020	Bond Proc
Increase	\$ 878,500	to	34340300/PSWM001340426/508003	Bldg Imprvmt
Increase	\$5,000,000	to	34340300/PSWM000340426/407020	Bond Proc
Increase	\$5,000,000	to	34340300/PSWM000340426/508027	Construction
Increase	\$ 600,000	to	34340300/PSWM000640426/407020	Bond Proc
Increase	\$ 600,000	to	34340300/PSWM000640426/508027	Construction
Increase	\$6,000,000	to	34340300/PSWM001240426/407020	Bond Proc
Increase	\$6,000,000	to	34340300/PSWM001240426/508027	Construction
Increase	\$3,000,000	to	34340300/PSWM001440426/407020	Bond Proc
Increase	\$3,000,000	to	34340300/PSWM001440426/508027	Construction

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 910 E. Redd Road, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a school in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code.

Representative Escobar abstained from voting.

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 1815 Trawood, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a day care in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code.

Representative Escobar abstained from voting.

.....

**RESOLUTION APPROVING THE CITY OF EL PASO  
INTERIM GUIDELINES AND CRITERIA FOR  
PROPERTY REDEVELOPMENT AND TAX ABATEMENT  
DECEMBER 2004**

**WHEREAS**, the purpose and intent of these guidelines and criteria is to set forth the parameters under which the City of El Paso will generally operate a tax abatement program in accordance with the State of Texas Property Redevelopment and Tax Abatement Act, as amended (Chapter 312, TEXAS TAX CODE (West 2004)). The Tax Abatement Program is intended to be an economic development tool to assist and encourage certain types of real and personal property investment within qualified reinvestment zones. Such investment is expected to result in the creation, retention and expansion of new jobs while strengthening the tax base of the City of El Paso;

**WHEREAS**, all applications for tax abatement benefits will be considered on a case-by-case basis, and the decision to approve or deny tax abatement shall be at the discretion of the City Council. Nothing herein shall imply or suggest that the City of El Paso is under any obligation to provide tax abatement to any applicant.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:**

That the City of El Paso Interim Guidelines and Criteria for Property Redevelopment and Tax Abatement December 2004 be approved and are hereby immediately effective.

Mayor Joe Wardy and Representatives Cook, Cobos, Cushing, and Escobar commented.

The following City staff members commented:

1. Mr. David Dobson, Director of Economic Development,
2. Ms. Lisa Elizondo, City Attorney,
3. Mr. John Nance, Assistant City Attorney,
4. Ms. Joyce Wilson, City Manager

Ms. Elizondo requested that further discussion on the matter be delayed until the end of the City Council meeting.

Following the delay, the below listed City staff members commented again:

1. Ms. Lisa A. Elizondo, City Attorney,
2. Ms. Joyce Wilson, City Manager,
3. Mr. David Dobson, Director of Economic Development,
4. Mr. John Nance, Assistant City Attorney,

Mayor Wardy and Representatives Cook, Cushing, Lozano, Ortega, and Cobos commented.

The following members of the public commented:

1. Mr. Stuart Mitchell, citizen,
2. Mr. Ric Schecter, citizen

All public comment had been taken.

**1<sup>ST</sup> MOTION:**

Motion made by Representative Ortega, seconded by Representative Escobar and carried to **APPROVE** the above Resolution.

AYES: Representatives Cushing, Lozano, Ortega, Escobar, and Cobos

NAYS: Representatives Cook and Rojas

EXCUSED: Representative Austin

**THE FOLLOWING MOTIONS WERE MADE AFTER RECONVENING FROM EXECUTIVE SESSION:**

Ms. Terri Cullen-Garney, Deputy City Attorney, requested that the Resolution be reconsidered and read revisions to the Interim Guidelines into the record.

**2<sup>ND</sup> MOTION:**

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **RECONSIDER** the discussion and action on a Resolution that the City of El Paso Interim Guidelines and Criteria for Property Redevelopment and Tax Abatement December 2004 be approved and are hereby immediately effective.

**3<sup>rd</sup> MOTION:**

Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **APPROVE THE AMENDMENTS TO THE RESOLUTION AND INTERIM GUIDELINES AS READ INTO THE RECORD BY MS. CULLEN-GARNEY, DEPUTY CITY ATTORNEY.**

**4<sup>TH</sup> AND FINAL MOTION:**

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the **AMENDED RESOLUTION AND INTERIM GUIDELINES.**

.....  
**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and El Paso Healthcare Systems, Ltd. which will provide for fifty percent (50%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a fifty (50%) abatement of the assessed value of the Eligible Personal Property to installed within a designated reinvestment zone. The term of abatement under this Agreement shall be ten (10) calendar years beginning on January 1 of the year following completion of construction of the Improvements.

See discussion on Interim Guidelines, page 18, for additional comments.

Ms. Terri Wyatt, Director of Marketing and Community Relations, Las Palmas Medical Center, explained that Las Palmas Medical Center pays 55% of the employee's health care benefits.

Representative Cook requested that the Mayor allow Mr. Mitchell two additional minutes to speak.

Mr. Stuart Mitchell, citizen, commented on minimum guideline requirements lacking within the above Tax Abatement Agreement and noted typographical errors in the Tax Abatement Agreement.

All public comment had been taken.

Motion made by Representative Ortega, seconded by Representative Escobar and carried to **APPROVE** the above Resolution.

EXCUSED: Representative Austin

**FOLLOWING CONSULTATION WITH ATTORNEY OF THIS ITEM IN EXECUTIVE SESSION, THE FOLLOWING MOTIONS WERE MADE:**

The following City staff members further commented:

1. Mr. David Dobson, Director of Economic Development
2. Ms. Joyce Wilson, City Manager

Representative Cook read into the record a letter written to Mr. Valencia from Las Palmas Medical Center.

**2<sup>ND</sup> MOTION:**

### 3<sup>RD</sup> AND FINAL MOTION:

Motion made by Representative Ortega, seconded by Representative Escobar and carried to **APPROVE** the above Resolution **AS REVISED**.

EXCUSED: Representative Austin

## RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and High Desert Investors, L.P., which will provide for twenty-five percent (25%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a twenty-five (25%) percent abatement of the assessed value of the Eligible Personal Property to be installed within a designated reinvestment zone. The term of abatement under this Agreement shall be five (5) calendar years beginning on January 1 of the year following completion of construction of the Improvements.

See discussion on Interim Guidelines, page 18, for additional comments.

Representatives Ortega, Cobos, Cook, and Lozano commented.

Mr. David Dobson, Director of Economic Development, commented.

Mr. Russell Vandenburg, Hotel Developer, explained that subcontractors and supplies would be from El Paso and commented on the construction of a parking garage to be located on the hotel site.

All public comment had been taken.

**1<sup>ST</sup> MOTION:**

Motion made by Representative Ortega, seconded by Representative Cobos and unanimously carried to **APPROVE** the above Resolution.

**THE FOLLOWING MOTIONS WERE MADE AFTER RECONVENING FROM EXECUTIVE SESSION:**

Ms. Terri Cullen-Garney, Deputy City Attorney, requested that the Resolution be reconsidered as the Interim Guidelines were revised.

**2<sup>ND</sup> MOTION:**

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **RECONSIDER** the above Resolution.

**3<sup>RD</sup> AND FINAL MOTION:**

Motion made by Representative Ortega, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution **AS REVISED**.

.....  
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE THE REJECTION** of RFP 2004-127R Building Space Rental – Eastside WIC Clinic as recommended by Purchasing and City-County Health District. Proposer, River Oaks Properties, LTD, withdrew his proposal.

This requirement will be reviewed for new sites and new specifications by the user department.

.....  
Motion made by Representative Escobar, seconded by Representative Ortega and unanimously carried to **AWARD** Bid Solicitation No. 2005-030 Billy The Kid Street & Drainage Improvements

Contractor: C. F. Jordan, L. P.  
El Paso, Texas

Department: Streets  
Funds Available: 14200403-PBE04ST103-29117-508027  
Funding Source: 2004 Bond Issue  
Items: Base Bid I \$611,000.00  
Base Bid IA \$ 53,770.00  
Base Bid IB \$ 3,000.00  
Alternate # 1 \$ 14,500.00  
Alternate # 2 \$ 25,000.00  
Total Award: \$707,270.00

**RECOMMENDATION:**

The Departments of Engineering, and Streets recommend the award of this contract to C. F. Jordan, L. P., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

**1. Lump Sum Component**

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

**2. Unit Price Component**

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Representatives Escobar and Rojas commented.

Mr. Daryl Cole, Streets Director, commented.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the public hearing to determine if the property located at 378 S. Santa Fe Street AKA 115 W. Paisano Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 26<sup>th</sup>, 2003. The owner of this property, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Representative Escobar abstained from voting.

.....  
**ORDINANCE 15974**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO CENTRO DE SALUD FAMILIAR LA FE, INC., A 41,000 SQUARE FOOT PARCEL OF LAND BEING LOT 13, BLOCK 30, WESTWAY-UNIT III, EL PASO, EL PASO COUNTY, TEXAS, ALSO KNOWN AS 1722 SOUTHWOOD, EL PASO, TEXAS, LOCATED IN WEST EL PASO.**

Representatives Escobar and Cushing commented.

Mr. Robert Andron, General Counsel for the El Paso Water Utilities Public Service Board, commented and read revisions to the Ordinance language into the record.

**1<sup>ST</sup> MOTION:**

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **APPROVE** the amendment to the Ordinance as read into the record by Mr. Andron.

The City Clerk called for public comment. There was no public comment.

**2<sup>ND</sup> AND FINAL MOTION:**

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Austin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS AMENDED**.

.....  
**ORDINANCE 15975**  
.....

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A NEW LEASE AGREEMENT BETWEEN THE CITY OF EL PASO AND WHATABURGER OF EL PASO, INC. N/K/A WHATACO OF EL PASO, LTD., FOR REAL PROPERTY LEGALLY DESCRIBED AS BLOCK A, WEST OF PIEDRAS STREET, BASSETT ADDITION, EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Gonzalo Cedillos, Financial and Administrative Services, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Austin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
Motion made by Representative Ortega, seconded by Representative Cushing and unanimously carried to **POSTPONE FOUR (4) WEEKS AND TO SEND TO A LEGISLATIVE REVIEW COMMITTEE MEETING OF THE WHOLE** an Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) of the El Paso Municipal Code to revise the Caption of Section 13.24.200 and to establish or revise Rental Rates, User Fees, Program Fees, and Participation Fees.

Mayor Joe Wardy and Representatives Cushing, Ortega, Lozano, and Escobar commented.

Mr. Robert Alcala, citizen, made comments regarding Section H, Sports and Athletic Fields, of the Ordinance language and requested that a public hearing be held to allow for public comment.

The following City staff members commented:

1. Mr. Pete Dunavant, Administrative Budget Analyst, Parks & Recreation Department
  2. Ms. Joyce Wilson, City Manager
- .....

## ORDINANCE 15976

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A, SECTION 31, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-2 (APARTMENT); PARCEL 2: A PORTION OF TRACT 1A, SECTION 31, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) AND R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL); PARCEL 3: A PORTION OF TRACT 1A, SECTION 31, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL); AND PARCEL 4: A PORTION OF TRACT 1A, SECTION 31, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) had recommended approval as submitted by the applicant with the exception of Parcel 4; CPC recommended R-3 rather than the proposed R-3A zoning. He noted that the DCC (Development Coordinating Committee) had recommended approval of the zoning request as submitted by the applicant. He added that the Planning, Research and Development Department had received a petition with 98 signatures and one letter opposing the zoning change request.

Representatives Cook and Rojas commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS:	None
Absent:	Council Member Austin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

## ORDINANCE 15977

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 43 AND 44, BLOCK 18, BRENTWOOD HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representatives Lozano and Cushing commented.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) recommended approval of the zoning change request as submitted by the applicant and DCC (Development Coordinating Committee) had recommended denial of the zoning change request. He noted that the Department of Planning, Research and Development had received two letters in opposition to the zoning change request from abutting property owners. He explained that initially the applicant was seeking electronic equipment storage; however, at the CPC meeting the applicant noted that the property would be utilized for a landscaping business.

Mr. Fermin Dorado, Dorado Engineering, explained that at the CPC meeting the usage of the property was revised to "landscaping business".

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Lozano, seconded by Representative Ortega, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Ortega, Escobar, and Cobos  
NAY: Council Member Rojas Absent: Council Member Austin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
Motion made Representative Escobar, seconded Representative Ortega and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:04 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. DISCUSSION AND ACTION on ASARCO Particulate Reduction Contract Enforcement. (551.071)
  - B. *Asarco v. TCEQ v. City of El Paso*, In the 261st District Court, Travis County, Texas; Cause No. GN401709. (551.071)
  - C. ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071)
  - D. *Lois Cutler vs. City of El Paso*, Cause No. 2002-2783, in the 171st Judicial District. (551.071)
- 20B.** Discussion and action on a Resolution that the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and El Paso Healthcare Systems, Ltd. which will provide for fifty percent (50%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a fifty (50%) percent abatement of the assessed value of the Eligible Personal Property to be installed within a designated reinvestment zone. The term of abatement under this Agreement shall be ten (10) calendar years beginning on January 1 of the year following completion of construction of the Improvements.

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **ADJOURN** the **EXECUTIVE SESSION** and reconvene the meeting of the City Council at 12:33 p.m., during which time motions were made as follows.

.....

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried **THAT THE CITY ATTORNEY'S OFFICE BE PROVIDED SETTLEMENT AUTHORITY** regarding the enforcement of the ASARCO Particulate Reduction Contract as recommended by the City Attorney's Office, and to authorize the City Attorney or her designee to execute all appropriate documents to effectuate that authority.

.....  
**NO ACTION WAS TAKEN** regarding *Asarco v. TCEQ v. City of El Paso*, In the 261st District Court, Travis County, Texas; Cause No. GN401709.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried **THAT THE CITY ATTORNEY'S OFFICE BE AUTHORIZED TO PROCEED** in the case of ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR, as recommended by the City Attorney's Office.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried **THAT THE CITY ATTORNEY'S OFFICE BE AUTHORIZED SETTLEMENT AUTHORITY** in the case entitled **Lois Cutler v. City of El Paso; Cause No. 2002-2783** in the amount recommended by the City Attorney's Office and that the City Attorney and/or the designated Assistant City Attorney be authorized to sign the appropriate documents to effectuate the use of said settlement authority.

.....  
Motion made by Representative Ortega, seconded by Representative Escobar and carried to **APPROVE AS REVISED** the Resolution that the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and El Paso Healthcare Systems, Ltd. which will provide for fifty percent (50%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a fifty (50%) percent abatement of the assessed value of the Eligible Personal Property to be installed within a designated reinvestment zone. The term of abatement under this Agreement shall be ten (10) calendar years beginning on January 1 of the year following completion of construction of the Improvements.

AYES: Representatives Cushing, Ortega, Escobar, Rojas, and Cobos  
NAYS: Representatives Lozano and Cook  
EXCUSED: Representative Austin

See discussion on pages 18-20.

.....  
Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 1:00 p.m.

.....  
**APPROVED AS TO CONTENT:**

*for* *Diana Nunez - Deputy City Clerk*  
Richarda Duffy Morsen, City Clerk